

MICHIGAN VETERANS' FACILITY Act 152 of 1885

AN ACT to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1958, Act 142, Imd. Eff. Apr. 18, 1958;—Am. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

36.1 State Veterans' Facility of Michigan; establishment.

Sec. 1. That there shall be established in this state an institution under the name and style of the "State Veterans' Facility of Michigan," and whenever reference is made in the laws of this state to the "Michigan Soldiers' Home," reference shall be deemed to be made to the "Michigan Veterans' Facility."

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984a;—CL 1897, 2055;—CL 1915, 1667;—CL 1929, 782;—Am. 1945, Act 94, Eff. Sept. 6, 1945;—CL 1948, 36.1.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

Transfer of powers: See MCL 16.528.

36.2 Board of managers; appointment, qualifications, and terms of members; vacancy.

Sec. 2. (1) The general supervision and government of the Michigan veterans' facility shall be vested in a board of managers to consist of 7 members who shall be appointed as follows:

- (a) Two representatives of the American legion.
- (b) Two representatives of the veterans of foreign wars of the United States.
- (c) One representative of the disabled American veterans.
- (d) One representative of the American veterans of world war II-Korea-Vietnam (AMVETS).

(e) One veteran from veterans as defined by Act No. 190 of the Public Acts of 1965, as amended, being sections 35.61 and 35.62 of the Michigan Compiled Laws, except that the nominee veteran shall not be a representative of the American legion, the veterans of foreign wars of the United States, the disabled American veterans, or American veterans of world war II-Korea-Vietnam (AMVETS).

(2) The members shall be appointed by the governor by and with the advice and consent of the senate, the members shall each hold office for the term of 6 years from the time of their appointment, and until their successors shall be appointed and qualified. The members enumerated in subsection (1)(a), (b), (c), and (d) shall be appointed by the governor from the original list of at least 3 individuals recommended by each respective organization.

(3) If a vacancy occurs during the term of office of a member of the board of managers, the member's successor shall be selected from the same organization and in the same manner as the original appointment for the balance of the unexpired term.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984b;—CL 1897, 2056;—CL 1915, 1668;—CL 1929, 783;—CL 1948, 36.2;—Am. 1955, Act 196, Imd. Eff. June 17, 1955;—Am. 1958, Act 142, Imd. Eff. Apr. 18, 1958;—Am. 1977, Act 48, Imd. Eff. July 5, 1977.

Compiler's note: Section 2 of Act 48 of 1977 provides: "Of the members appointed after the effective date of this amendatory act the first shall be a veteran as designated by section 2 (1)(e) and the remaining appointments shall be made to conform to this amendatory act as they become vacant."

For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.6 Board of managers; compensation and expenses.

Sec. 6. Each of the members of the board shall be entitled to per diem compensation and reimbursement of expenses from the appropriations to the facility in accordance with the accounting laws of the state.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984f;—Am. 1889, Act 103, Imd. Eff. May 21, 1889;—CL 1897, 2057;—

CL 1915, 1669;—Am. 1925, Act 265, Imd. Eff. May 13, 1925;—CL 1929, 784;—CL 1948, 36.6;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1963, Act 101, Eff. Sept. 6, 1963;—Am. 1975, Act 58, Imd. Eff. May 20, 1975.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.7 Board of managers; meetings; election and terms of officers; appointment and duties of adjutant; conducting business at public meeting; notice.

Sec. 7. (1) The members of the board of managers shall meet annually at the facility on the second Wednesday in March of each year, and at the annual meeting shall elect of their own body, a chairperson, a chairperson pro tempore, a secretary, a treasurer, and a clerk, who shall hold office for 1 year and until a successor is elected and qualified. However, instead of electing a treasurer and a clerk, the board may appoint the adjutant of the facility to perform the duties of the treasurer and the clerk and other duties as prescribed by the board.

(2) The business which the board of managers may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984g;—CL 1897, 2058;—CL 1915, 1670;—CL 1929, 785;—CL 1948, 36.7;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1978, Act 157, Imd. Eff. May 22, 1978.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.8 Board of managers; quarterly meeting for formulation of governing rules and regulations.

Sec. 8. It shall be the duty of the board of managers to meet once in every 3 months on their own adjournment, and oftener if they shall deem it advisable, at which meeting they shall prepare and carefully digest and mature a system of government for said home, embracing all such rules, regulations, and general laws as they may deem necessary for preserving order, for enforcing discipline, for preserving the health of such disabled soldiers, sailors or marines as may be received at this home.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984h;—CL 1897, 2059;—CL 1915, 1671;—CL 1929, 786;—CL 1948, 36.8

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.9 Board of managers; inspection of similar institutions, expenses.

Sec. 9. For the purpose of maturing said system of government and discipline, it shall be competent for said board to authorize 1 of its members to visit similar institutions now in operation and by personal inspection and investigation to acquire an insight into the principles and practical workings of said similar homes for the information and benefit of said board; the expense actually and necessarily incurred in any such visit and investigation to be charged against the appropriation hereinbefore made.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984i;—CL 1897, 2060;—CL 1915, 1672;—CL 1929, 787;—CL 1948, 36.9.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.10 Commandant; appointment, eligibility, powers and duties.

Sec. 10. The board of managers shall appoint a commandant for the home, who shall be an ex-officer, soldier, sailor, or marine, whose salary shall be such amount as shall be appropriated by the legislature, and who shall nominate, for the action of the board of managers, all necessary subordinate officers, who shall also be ex-officers, soldiers, sailors, or marines, who may be dismissed by the commandant for inefficiency or misconduct. In case of every removal, a detailed statement of the case shall be reported to the board of managers by the commandant. No member or former member of the board of managers shall be eligible to election or appointment as commandant of the facility until the expiration of at least 1 year from the date of the end of his term as member of the board of managers or the date of his resignation as such member.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984j;—CL 1897, 2061;—CL 1915, 1673;—CL 1929, 788;—CL 1948, 36.10;—Am. 1955, Act 196, Imd. Eff. June 17, 1955;—Am. 1958, Act 186, Eff. Sept. 13, 1958.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.11 Veterans' facility; eligibility for admission; maintenance charges; dismissal; creation of veterans' facilities operation fund; credit of money to fund; expenditures; assignment of money to board of managers as condition of admission; expenditure of assigned money; creation of posthumous fund; expenditures.

Sec. 11. (1) All members of the armed forces of the United States who have been honorably discharged from the armed forces of the United States who have served in the armed forces of the United States not less than 90 days in the war of the rebellion, in the Mexican war, the Indian wars, the Spanish-American war, the war in the Philippines, the first world war, the second world war, or any other war, campaign, or expedition in which the armed forces of the United States have been, are, or may be, participants, and who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of their disability are incapable of earning their living and who would be otherwise dependent upon public or private charity, shall be entitled to be admitted to a facility, subject to such rules as promulgated by the board of managers pursuant to Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.315 of the Michigan Compiled Laws, to govern the admission of applicants to the facilities. Former members of the armed forces of the United States, otherwise qualified, who served less than 90 days and who were honorably discharged from service, and who, as a result of that service, acquired a service connected disability or disease, may be admitted. An applicant shall not be admitted to a facility unless he or she served in a Michigan regiment or has been accredited to this state or he or she has established residency in the state at the time of making his or her application for admission to the facility. Nothing in this section prevents the board of managers from admitting to membership in a facility any applicant otherwise qualified, but who has adequate means of support and is not dependent upon public or private charity, provided that the applicant, as a condition of admission, pays to the board of managers in advance, or at those times as may be fixed by the board of managers, for the use and benefit of the state a sum for his or her support as the board of managers determines to be proper. The board of managers shall annually determine the per diem expense of maintenance of members in the facilities and shall require any member who has adequate means of support or sufficient property or income, to pay the board of managers in full for the expenses of maintenance. All members in the facilities shall be charged in the first instance with the maintenance, which shall be collected either in whole or in part, if the member has sufficient property or income, but otherwise the board of managers may remit the per diem charge either in whole or in part. The maintenance charges as determined by the board of managers shall be paid to the adjutant of the facilities in advance not later than the fifth day of each month. Failure to comply with a condition shall be cause for dismissal from a facility.

(2) There is created a veterans' facilities operation fund in the state treasury. Except as provided by subsection (3), money received under this section and from the veterans' administration in direct payment for services to members of the facilities established under this act shall be turned over to the state treasury and credited to the veterans' facilities operation fund. Money in the veterans' facilities operation fund shall be expended only for the operation of the facilities established under this act.

(3) The board of managers of the facilities may make a condition for admission to a facility that all applicants shall assign to the board of managers any balance of money accumulated while a member of the facility, or due to the applicant or on deposit with any bank, trust company, corporation, or with any individual, at the time of the death of the applicant. All such sums shall first be expended to pay for all residual maintenance costs attributable to the deceased individual and shall then be paid to the wife, minor children, or dependent mother or father, in the order named. If no such relative shall be found within a period of 2 years, or if no claim for the sums has been made within a period of 2 years, the balance of the money shall be paid into the posthumous fund, which is hereby created by this subsection. The posthumous fund shall be expended as prescribed by Act No. 313 of the Public Acts of 1905, being section 36.61 of the Michigan Compiled Laws.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984k;—Am. 1891, Act 44, Imd. Eff. Apr. 29, 1891;—CL 1897, 2062;—Am. 1899, Act 62, Imd. Eff. May 2, 1899;—Am. 1901, Act 25, Imd. Eff. Mar. 26, 1901;—Am. 1907, Ex. Sess., Act 2, Imd. Eff. Oct. 24, 1907;—Am. 1915, Act 49, Eff. Aug. 24, 1915;—CL 1915, 1674;—Am. 1919, Act 238, Eff. Aug. 14, 1919;—CL 1929, 789;—Am. 1931, Act 291, Imd. Eff. June 8, 1931;—Am. 1933, Act 231, Imd. Eff. July 6, 1933;—Am. 1934, 1st Ex. Sess., Act 17, Imd. Eff. Mar. 28, 1934;—Am. 1945, Act 94, Eff. Sept. 6, 1945;—CL 1948, 36.11;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1958, Act 186, Eff. Sept. 13, 1958;—Am. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.11a Repealed. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: The repealed section pertained to gifts to veterans' facility.

36.11b Creation of post fund; expenditures.

Sec. 11b. Each gift received by the board of managers and which specifically provides that the gift is not for the use and benefit of the state shall be paid into the post fund, which is hereby created by this section. The post fund shall be expended as prescribed by Act No. 313 of the Public Acts of 1905, being section 36.61 of the Michigan Compiled Laws.

History: Add. 1915, Act 49, Eff. Aug. 24, 1915;—CL 1915, 1676;—CL 1929, 791;—CL 1948, 36.11b;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.11c Property of member; board may receive and hold in trust.

Sec. 11c. The board of managers or any officer or employee duly authorized by them may receive money, property or effects belonging to any member of the facility and hold same in trust, to be disposed of as directed by such member. Any balance of such money, property or effects remaining in trust at the time of his discharge from the facility shall be accounted for and paid to such member.

History: Add. 1952, Act 123, Eff. Sept. 18, 1952.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.12 Method of drawing and accounting for money from state treasury prescribed.

Sec. 12. The method of drawing money from the state treasury and accounting for the same, shall be similar to that now in force with other state institutions as prescribed by the general law.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984-1;—CL 1897, 2063;—CL 1915, 1677;—CL 1929, 792;—CL 1948, 36.12.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.